

REMARKS

In the Office Action mailed October 15, 2007, the Examiner rejected Claim 11 under 35 U.S.C. §112(2) for indefiniteness, rejected Claims 1-7 and 10-12 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0125651 (hereinafter, “the Hopkins application”), and indicated Claims 13-19 were allowable.

I. Rejection of Claim 11 under 35 U.S.C. §112(2) – Indefiniteness

The Examiner stated, “Portions of the structural elements were previously recited in claim 1. For example, an upper portion, a lower portion and a rotation component. Since these elements were previously recited, it is unclear if applicant is claiming an additional upper portion, lower portion and rotation component.” In order to expedite prosecution, Claim 11 is amended such that it does not recite an upper portion, lower portion or rotation component.

II. Rejection of Claims 1-7 and 10-12 under 35 U.S.C. §102(e)

Claims 1-7 and 10-12 were rejected under 35 U.S.C. §102(e) as being anticipated by the Hopkins application. The Applicants respectfully disagree. However, in order to expedite prosecution while not acquiescing with the Examiner’s arguments, the Applicant amends Claim 1 such that it recites, “...a lower portion configured to attach to a forearm while immobilizing the wrist...” Support for this amendment is located throughout the Specification (see, e.g., paragraphs 20 and 21 of the published application). In an Interview conducted on December 14, 2007 between attorney of record Robert Goetz and Examiner Lewis, it was agreed that, while the Examiner might need to conduct an additional search, the Hopkins application does not anticipate the currently presented Claim 1.

The Hopkins application fails to teach all of the elements of the currently provided Claim 1. In particular, the Hopkins application fails to teach, describe, enable and/or suggest an orthotic forearm device comprising, for example, “...a lower portion configured to attach to a forearm while immobilizing the wrist...” as recited in Claim 1. Indeed, the Hopkins application describes orthotic devices requiring wrist mobilization (see, e.g., paragraph 15 of the published Hopkins application). As such, the Hopkins application fails to anticipate the currently presented claims.

III. Allowance of Claims 13-19

The Applicants respectfully acknowledge the allowance of Claims 13-19.

IV. Conclusion

All grounds of rejection of the Office Action of October 15, 2007 have been addressed and reconsideration of the application is respectfully requested. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

Dated: December 31, 2007

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